

Notice of Allowability

Application No.

09/699,961

Examiner

Yogesh C. Garg

Applicant(s)

SHAH, DARSHATKUMAR

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview on 10/18/2006 and Remarks filed by the Applicant on 10/12/2006.
2. ☒ The allowed claim(s) is/are 1, 3, 4, 7, 18-20, 22, 43, 44, 46 and 47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/12/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/10/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Yogesh C Garg
Primary Examiner
Art Unit: 3625

DETAILED ACTION

Response to Applicant's Response

1. The Applicant's request to reconsider the restriction mailed on 9/12/2006 is acknowledged and entered. During a telephone Interview on 10/18/2006 it was indicated that the requirement for restriction was proper. However, the Applicant agreed to an Examiner's Amendment to place the application in condition for allowance and to expedite the prosecution and therefore Examiner agreed to withdraw the Restriction requirement mailed on 9/12/2006

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Mr. Himanshu S. Amin on 10/18/2006. The amendment is as follows:

Quote:

" 1. (Currently Amended) A shopping basket system that facilitates electronic shopping, comprising:

a shopping basket component that allows a user to select items from a plurality of different merchant[[s]] servers[[:]] and ~~a wish list component~~ that allows the one or more plurality of different merchant servers to access a wish list component on the

Art Unit: 3625

user's computer ~~and that allows the one or more merchant servers~~ to place one or more items corresponding to the wish list component into the shopping basket component; and

an ordering component ~~to provide~~ that allows concurrent purchasing of at least two selected items from at least two of the plurality of different merchant[[s]] servers and that allows purchasing of items corresponding to the wish list component placed into the shopping basket component by the plurality of different merchant servers, wherein the shopping basket component, and the ordering component and the wish list component are implemented by computer-executable instructions stored on computer-readable media configured to resid[[ing]]e on the user's computer.

2. (Canceled).

3. (Currently Amended) The shopping basket system of claim 1, wherein the items selected from the plurality of different merchant[[s]] servers hav[[ing]]e a common schema associated with descriptions of the items.

4. (Currently Amended) The shopping basket system of claim 3, wherein the common schema is ~~being~~ an XML schema.

5-6. (Canceled).

Art Unit: 3625

7. (Currently Amended) The shopping basket system of claim 1, wherein the shopping basket component is being a desktop application.

8-17. (Canceled).

18. (Currently Amended) Computer-executable instructions for performing a method ~~for~~ of facilitating electronic shopping, the computer-executable instructions stored on computer-readable media, the computer-executable instructions comprising:

a shopping basket component configured to reside on a user interface on a user's computer, ~~the shopping basket component~~ configured to facilitate identifying items from a plurality of different merchant[[s]] servers for purchase[[;]] and configured to facilitate allowing a wish list component that allows one or more the plurality of different merchant servers to query an item list stored on the user's computer and to place ~~one or more~~ items corresponding to the item list into the shopping basket component ~~that correspond to the item list~~; and

an ordering component configured to facilitate concurrent purchasing of two or more identified items from the plurality of different merchant[[s]] servers and to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

Art Unit: 3625

19. (Currently Amended) The computer-executable instructions of claim 18, wherein the items from the plurality of different merchant[[s]] servers hav[[ing]]e a description conforming to an XML schema.

20. (Currently Amended) The computer-executable instructions of claim 18, wherein the shopping basket component hav[[ing]]e drag and drop capabilities.

21. (Canceled).

22. (Currently Amended) The computer-executable instructions of claim 20, wherein the user interface is being one of an Internet browser and a desktop application.

23-42. (Canceled).

43. (Currently Amended) The system of claim 1, further comprising a filtering component configured to limit the number of the plurality of different merchant[[s]] servers.

44. (Currently Amended) An application programming interface to facilitate interaction of the plurality of different merchant[[s]] servers with the system of claim 1.

45. (Canceled).

46. (Currently Amended) The computer-executable instructions of claim 18, further comprising a filtering component configured to limit the number of the plurality of different merchant[[s]] servers.

47. (Previously Presented) The computer-executable instructions of claim 18, wherein the method is implemented at least in part by an application programming interface.

48-51. (Canceled)."

Unquote:

Allowable Subject Matter

3. Claims 1, 3-4, 7, 18-20, 22, 43-44, 46-47 are allowed. Claims 1 and 18 are independent and claims 3-4, 7, 19-20, 22, 43-44 and 46-47 are dependent claims.

The following is an examiner's statement of reasons for allowance:

Reasons for Allowance

Claims 1, 3-4, 7, 18-20, 22, 43-44, 46-47

4.1. The prior art of record neither anticipates nor renders obvious a shopping basket system and computerized executable instructions comprising, inter alia, as a whole,

a shopping basket component residing on a user's computer, configured to facilitate identifying items from a plurality of different merchant servers for purchase and configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate concurrent purchasing of two or more identified items from the plurality of different merchant servers and to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers(see at least independent claims 1 and 18).

5. The subject matter of all the allowed claims is supported by the disclosure (see at least Pg.2, lines 1-6, pg.2, line 18-pg.3, line 4, pg.5, line 14-pg.6,line 3)

6 Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s):

(i) The combined teachings of McCollom et al. (US Patent 6,925,444 to be referred as McCollom), Spiegel et al. (US Patent 6,629,079, hereinafter referred to Spiegel), and Ferguson et al. (US Patent 5,966,697)hereinafter referred to Ferguson used in the final office action mailed on 3/31/2006. McCollom discloses electronic shopping comprising a graphical image component residing on a user interface (see Fig.19) a search engine component, associated with the graphical image component,

Art Unit: 3625

identifying items from a plurality of different merchants based on user indicated criteria and aggregating and returning items having the user indicated criteria to the graphical image component for display and selection by a user (see at least the search icon on Fig.19 and col.5, lines 39-53. Note this search engine resides on the client side in the consumer shopper system 70), a shopping basket component associated with the graphical image component, the descriptions of the selected items being provided by the plurality of different merchants and retained by the shopping basket component (see at least the shopping basket icon in Fig.19, col.5, lines 55-65, Fig.17 and col.18, lines 9-64. The shopping cart resides on the user's computer and enables the user to hold items selected from browsing and purchasing from a plurality of merchants.) an ordering component providing for concurrent ordering of at least two selected items from different merchants (see at least Figs.18, 19 and col.18, line 65-col.19, line 42 which disclose ordering routines in the consumer shopper system of selected items from different stores, such as Bares & Noble, 1 800 Flowers, etc.) and creating a wish list on the user's computer such that it can be shared with third party(see claim 1, col.24, line 55-col.25, line 10). Spiegel teaches a computer system for conducting electronic commerce providing multiple electronic shopping carts for each user, receiving a selection of an item from web pages from the user and adding the selected item to the identified electronic shopping cart. Fergerson discloses that the concurrent purchasing function of items selected from a plurality of merchants is carried without further intervention from a user (see at least col.4, line 49-col.5, line 24, and Figs. 1-2. Here, check-out processor completes the ordering function without further intervention

Art Unit: 3625

from the user because all the information required to complete the transaction is with the checking out processor. However, McCollom individually or combined with Spiegel or Ferguson or any other prior art does not teach the novel features of the instant application, that is a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers. See also the applicant's remarks, pages 8-9, filed on 6/30/2006:

“ Neither McCollom nor Spiegel nor Ferguson, either alone or in combination, teach or suggest all of the limitation of the claims. McCollom discloses a wish list that a user can send to another consumer so that the other consumer can purchase items for the user (i.e., a gift registry). (See McCollum at col. 2, lines 30-26, col. 3, lines 2-8 and col. 24, line 55- col. 25, line 10). Neither McCollom nor Spiegel nor Ferguson, either alone or in combination, teach or suggest a component that allows one or more merchant servers to access a list on the user's computer and place items corresponding to the list into the shopping basket component. For at least the foregoing reasons, the cited prior art fails to render obvious the claimed subject matter as a whole. Accordingly, applicant's representative respectfully requests that this rejection be withdrawn. “

(ii) Bala et al. (US Publication 20060015405A1) discloses a method and apparatus (see at least Abstract and paragraph 0004) monitoring the web sites accessed by an user, user's search queries and wish-lists, comparing and finding a match to offer promotions to the user. The user can view the promotions and enter into a transaction. However, Bala et al. individually or combined with any other prior art does not teach or suggest fairly and reasonably the novel features of the instant application, that is a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

(iii) Lee et al. (US Patent 6,611,814) discloses preparation of wish lists by users and storing them on an online store or provider which can be accessed by the user himself or others by seeking permission from the user to purchase items for him (see at least Abstract, col.1, line 51-col.2, line 19, col.3, line 49-col.4; line 40, col.8, lines 34-44 and col.12, lines 12-36). Lee et al. individually or combined with any other prior art does not teach or suggest fairly and reasonably the novel features of the instant application, that is a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into

the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

(iv) Robertson (US Patent No.6,609,106) teaches allowing the merchants/providers to access information on the user's wish list and automatically notify the user if an item on the wish list is offered by the merchant (see at least column 3 lines 30-35, claim 5). Robertson does not, however, teaches a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

(v) US Patent Herz (US Patent No. 5,754,938), discloses customized electronic identification of desirable objects using a "target profile interest summary" for each user. The Herz system automatically selects objects most likely to be of interest to a user and present an ordered listing of them to the user (see at least abstract). While Herz teaches allowing automatic selection of desirable items for the user it does not teach automatically adding items to the user's shopping basket. The list is presented to the user and the user selects from among the items. It also does not use

Art Unit: 3625

a wish or shopping list created by the user, but presents a list to the user with items selected based on a user profile. Herz does not teach a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

(vi) US Patent Eggebraaten (US Pub. No. 2003/0018536) teaches a vendor automatically adding items to a shopping cart from a default list, however, it is only accessed by one vendor and the list must be provided to the vendor by the user visiting the vendor web site (see at least abstract). Eggebraaten does not anticipate nor fairly and reasonably teach a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers. Eggebraaten was also filed after the filing date of the present application.

(vii) Kelley (EP 1598763 A1) teaches using a user's shopping list to guide the user in locating items in a retail environment (see at least abstract). Kelley teaches suggesting items to a user, updating lists in response to the addition of items to a shopping basket, or highlighting items based on proximity (see at least page 8 para.1). Kelly neither anticipates nor fairly and reasonably teaches a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

(viii) SalesLogix teaches automating the management of third party reseller and distributor channels (see at least page 2). It teaches providing an online catalog and automating orders by clicking a button to add a product to a shopping cart from the catalog, however, nowhere does it disclose accessing a wish list by a distributor and automatically adding an item to the user's shopping cart without an action by the user. SalesLogix neither anticipates nor fairly and reasonably teaches a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item

Art Unit: 3625

list that are placed into the shopping basket component by the plurality of different merchant servers.

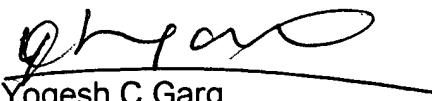
(ix) Hom et al. (US Patent 6,850,917B1) discloses a computer implemented method of sharing a shopping cart over a communication network and allowing the sharee to view the contents of the shopping cart and make changes (see at least Abstract and col.2, lines 6-35). However, Hom et al. neither anticipates nor fairly and reasonably teaches a shopping basket component residing on a user's computer, configured to facilitate allowing the plurality of different merchant servers to query an item list stored on the user's computer to place items corresponding to the item list into the shopping basket component and an ordering component configured to facilitate purchasing items corresponding to the item list that are placed into the shopping basket component by the plurality of different merchant servers.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
9/18/2006